

**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

SAMUEL M. ROTTER,

Plaintiff,

v.

VISION & BEYOND GROUP LLC;
STANISLAV GRINBERG; PETER
GIZUNTERMAN; DONALD FEATHERS;
DAVID MIZRACAH AND CHERYL
WATERS,

Defendants.

Civil Action No.: 2:25-cv-00854-
PD

**DEFENDANT DONALD FEATHERS’
MOTION TO DISMISS THE COMPLAINT**

Defendant Donald Feathers respectfully moves this court pursuant to Federal Rules of Civil Procedure 12(b)(2), 12(b)(3) and 12(b)(6) to dismiss Plaintiff Samuel M. Rotter’s Complaint in its entirety and with prejudice as against Mr. Feathers. Mr. Feathers submits that dismissal of the Complaint with respect to him is appropriate for six principal reasons.

First, this Courts lacks personal jurisdiction over Mr. Feathers. Second, venue in this Court is improper. Third, Plaintiff has failed to state a claim under Pennsylvania’s Wage Payment and Collection Law, 43 P.S § 260.1, *et seq.*, and Count I should be dismissed accordingly. Fourth, Plaintiff has failed to state a

claim for fraud or negligent misrepresentation, and Count II should, therefore, be dismissed. Fifth, Count II should be dismissed for the additional reason that Plaintiff's claims for fraud and negligent misrepresentation are barred by the applicable statutes of limitations. And sixth, Plaintiff's Complaint lacks any facts supporting his allegations seeking punitive damages, and such allegations should also, therefore, be dismissed.

This Motion is further supported by Mr. Feathers' Memorandum of Law, the Declaration of Michael E. Bonner, and the Exhibits attached to the Declaration, all of which accompany this Motion and are incorporated herein by reference.

A proposed Order granting the relief requested in this Motion is attached.

Respectfully submitted,

BY: /s/ Michael E. Bonner
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Dated: March 26, 2025